



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR JEFF WRIGHT**

## MINUTES

### NEWINGTON TOWN COUNCIL MEETING

**March 25, 2008**

Mayor Wright called the meeting to order at 7:00 PM in the Helen Nelson Room of the Newington Town Hall.

#### **I PLEDGE OF ALLEGIANCE**

#### **II ROLL CALL**

Councilors Present:

Councilor Banach  
Councilor Boni  
Councilor Bottalico  
Councilor Bowen  
Councilor Cohen  
Councilor Lenares (Arrived 7:26pm)  
Councilor Nagel  
Councilor Nasinnyk  
Mayor Wright

Staff Present:

John L. Salomone, Town Manager  
Lori Verreault, Executive Assistant

#### **III PUBLIC PARTICIPATION**

Bob Tofeldt, 15 7<sup>th</sup> Street: Mr. Tofeldt spoke about the semi-annual water and sewer bill that Buena-Vista area Newington residents receive from the City of New Britain. He stated that his water bill last year was \$561.00, but if he was a part of MDC he would have paid \$83.00 for the same amount of water. He stated that he gets charged for water coming in and water going out, and asked why he has to pay a surcharge to get water from the New Britain water system. Mr. Tofeldt stated that he had been informed that part of his bill pays for the hydrant tax; however he noted that he already pays taxes to the Town, a percentage of which towards hydrants. He stated that he is being double taxed and asked the Council to help out the Town residents in the Buena Vista area. He stated that his bill has jumped almost \$200.00 in the past year, and that many neighborhood residents are on fixed incomes. Town Manager Salomone requested a copy of one of Mr. Tofeldt's water bills. He noted that the Town reimburses New Britain for the hydrants, and stated that he will look into the issue.

Sheila Dumeer, 91 Wilbur Drive: Ms. Dumeer stated that she has been a Town resident for 50 years, and for 40 of those years she has had flooding problems on her property. She stated that she has never received any satisfactory answers from the Town, and that her back yard currently resembles a lake. Ms. Dumeer explained that she lives on Wilbur Drive and her yard abuts Willard Avenue. She stated that the problems started many years ago when Newington High School was built and conduits were placed under Willard

Phone: (860) 665-8510 Fax: (860) 665-8507  
townmanager@newingtonct.gov  
www.newingtonct.gov

Avenue and through Wilbur Drive to address drainage from the school. She stated that since the conduits were placed she has had flooding. Ms. Dumeer stated that she has been informed by the Town in the past that there is no money to fix the problem, and remarked that if the Town caused the problem then the Town should be the one to pay for having it fixed. She requested that her area be included in the upcoming drainage study.

Joe Blais, 97 Reservoir Road: Mr. Blais spoke about the proposed redistricting of the voting districts. He stated that combining the Anna Reynolds and Elizabeth Green districts into Martin Kellogg Middle School will not help the voters, particularly area seniors who walk to the polls. He also noted an article in the New York Times which outlined requirements of voting booths being placed at least five feet apart and started that there may not be enough room to do so at Martin Kellogg. Mr. Blais stated that redistricting is foolish and it will not save money.

#### **IV CONSIDERATION OF OLD BUSINESS**

##### **A Easement Request – Little Brook Park**

Town Manager Salomone stated that the easement would be granted to the requesting property owner in the Town of Rocky Hill per TPZ recommendation. He stated that all Town provisions would prevail.

Councilor Bottalico moved the following:

**WHEREAS, the Town of Newington is the owner of land at Little Brook Park; and**

**WHEREAS, Wayne Pouncy, 25 Clearview Avenue, Rocky Hill, has requested an easement over the Town's land for the purpose of connecting a 6" private residential sewer lateral into the existing MDC sewer; and**

**WHEREAS, the area of this easement is approximately 385.76 sq. ft. as shown on a map entitled "Proposed Re-Subdivision, Property of Wayne Pouncy, Lots 171-174 Clearview Avenue, Rocky Hill" revised dated 1-28-08 by Flynn & Cyr Land Surveying, LLC; and**

**WHEREAS, the Newington Town Plan and Zoning Commission has issued a favorable 8-24 Report recommending the Town Council's approval of this easement provided the work is done under the direction of Newington's Town Engineer and Superintendent of Parks and Recreation, the contractor be bonded and licensed, and that the Town be provided with an "as built" plan upon completion of the work;**

**NOW, THEREFORE, BE IT RESOLVED:**

**That the Newington Town Council hereby approves the easement to Wayne Pouncy as shown on a map entitled "Proposed Re-Subdivision, Property of Wayne Pouncy, Lots 171-174 Clearview Avenue, Rocky Hill" revised dated 1-28-08 by Flynn & Cyr Land Surveying, LLC.**

Motion seconded by Councilor Cohen.

Councilor Banach noted the address of the lots to be 171-174 Clearview Avenue and asked whether more than one house is involved. Town Manager Salomone replied that there will be two houses involved.

Motion passed 8-0. (Deputy Mayor Lenares Absent)

##### **B NHS Code Violations – Newington High School**

Councilor Bowen moved the following:

**RESOLVED:**

**That the Newington Town Council hereby authorizes the Newington Board of Education to apply to the Commissioner of Education and to accept or reject a grant for Code Compliance to correct Accessibility Violations based on the Office of Civil Rights Audit at Newington High School.**

**BE IT FURTHER RESOLVED:**

That in accordance with Article II, of Chapter 2, Section 2-17, Project Building Committees, of the Newington Code of Ordinances, the Newington Town Council hereby establishes the School Code Compliance Committee.

Said committee is charged to work with the Town Manager (and/or his/her designee), Superintendent of Schools, and any other appropriate Town staff in the oversight of the improvements to the Newington High School with regard to Code Compliance to correct the Accessibility Violations based on the Office of Civil Rights Audit at Newington High School. Such improvements shall comply with the appropriate sections of the Fire Code, Health Code, Building Code and OSHA regulations, regulations of the Americans with Disabilities Act, and any other health and/or safety code regulations currently in force.

The Town Manager is authorized to obtain the services of a Clerk of the Works or to utilize Town staff in overseeing improvements as they are finally determined.

**BE IT FURTHER RESOLVED:**

That the School Code Compliance Committee shall be comprised of five (5) members, of which three (3) shall be representatives of the Town Council and two (2) shall be from the Board of Education. In addition, for purposes of this project, the Board of Education shall be considered the requesting agency.

**BE IT FURTHER RESOLVED:**

That the Newington Town Council hereby authorizes at least the preparation of schematic drawings and outline specifications for Accessibility Violations based on the Office of Civil Rights Audit at Newington High School.

Motion seconded by Councilor Nasinnyk

Councilor Cohen inquired as to whether the purpose of the resolution is to establish a building committee as well as to approve the application for the grant, or is it to approve the Board's application for the grant only. Councilor Bowen explained that the purpose of the resolution is to authorize the Board of Education to seek the grant and to establish a building committee. He stated that the members of the committee can be appointed at a later date.

Motion passed 8-0. (Deputy Mayor Lenares Absent)

C Appointment of Agent of Record for Property, Casualty, Liability Insurances

Councilor Nasinnyk moved the following:

**RESOLVED:**

Pursuant to Town ordinance, the Newington Town Council hereby appoints the firm of USI Connecticut of Meriden, CT as Agent of Record for the Town of Newington for the period covering April 1, 2008 to June 30, 2009 for purposes of soliciting, negotiating, placing, overseeing and monitoring the Town's property, casualty and liability insurance package. The fee for this appointment shall be as follows:

2008-2009	\$38,000
-----------	----------

Motion seconded by Councilor Banach. Motion passed 8-0. (Deputy Mayor Lenares Absent)

D Appointment of Small Cities Consultant

Councilor Nagel moved the following:

**WHEREAS, Federal monies are available under the Connecticut Small Cities Community Development Block Grant Program administered by the State of Connecticut,**

**Department of Economic and Community Development, pursuant to Public Law 93-383, as amended; and**

**WHEREAS, pursuant to Chapter 127c and part VI of Chapter 130 of the Connecticut General Statutes, as amended, the Commissioner of Economic and Community Development is authorized to disburse such federal monies to local municipalities; and**

**WHEREAS, the Newington Town Council wishes to make application to the State for this assistance;**

**NOW, THEREFORE, BE IT RESOLVED:**

**That the Newington Town Council hereby authorizes John Salomone, the Town Manager, to enter into an agreement with L. Wagner & Associates to act as the Small Cities Program Administrator and to assist Newington in preparing and submitting its application(s) and Environmental Review Record(s) to the Department of Economic and Community Development with the following conditions:**

- 1. That payment for these services shall be a lump sum not to exceed \$3,000.00 per application. Payment shall only be made to the Program Administrator upon the approval of Newington's 2008 Small Cities Application by the Department of Economic and Community Development**
- 2. That upon successful submission of this 2008 Small Cities Application(s) the Program Administrator shall be further retained to provide additional services to Newington based on the approved grant application's work program. Compensation to the Program Administrator shall be from the Small Cities grant or grants and shall not require the expenditure of Town funds.**

Motion seconded by Councilor Cohen

Councilor Cohen noted that L. Wagner & Associates administered a grant application for the Senior Center in the past and was very helpful. She stated that L. Wagner provides a good service with lots of experience. Councilor Nasinnyk inquired whether this is the grant for work on parcel C Town Manager Salomone replied that the grant application is in conjunction with the New Meadow Housing project.

Motion passed 8-0. (Deputy Mayor Lenares Absent)

**E Tax Abatement – 22 Mill Street Property**

Town Manager Salomone stated that per discussion with the Town Assessor and the Town Attorney he has learned that the process of granting a tax abatement is more complicated than originally thought. He stated that in order to grant the tax abatement on the Mill Street property the Town must pass an ordinance that would grant the Assessor the power to grant the abatement. He stated that there are certain procedures that must be followed under State statutes and if the Council is in concurrence he will ask the Town Attorney to draft an ordinance for review at a future meeting.

Mayor Wright asked whether the draft ordinance would appear as new business on the next meeting agenda with a vote at the following meeting. Town Manager Salomone stated that there is a process involved with an ordinance, including a public hearing. He stated that a public hearing notice would be set at the next meeting along with review of the draft ordinance.

Councilor Bottalico asked for the assessment of the property as well as the amount of the requested abatement. Town Manager Salomone replied that the requested abatement is \$2011.93, with the total tax for the year being about \$4,100. Councilor Bowen stated concern that Library Board purchased the property without consulting the Council and is now asking the Council to waive taxes on the property. He stated that he is uncomfortable with the idea. Councilor Bowen recognized that the Town's Library is one of the best in the region, but again expressed concern about the situation. Councilor Bottalico requested to see the Library Board's plans for the property. He also stated that he is not sure that the Town should spend any money on the Library at this time due to the tight budget and the economy. Councilor Cohen stated that if the Town does not grant the abatement the Library will be responsible for the taxes and asked where the money would

come from. Councilor Bowen replied that the Library Board would pay the taxes asked where the money came from to buy the property in the first place. He stated that they are a non-profit organization that raises money and would need to fund the taxes out of their budget. Councilor Bottalico asked about the title. Town Manager Salomone stated that the title belongs to the Lucy Wells Library Corporation. Councilor Bottalico stated that he agrees with Councilor Bowen. Councilor Nasinnyk asked whether the issue came up at the property closing, and noted that the issue did surprise the Library Board. She stated that the Council can pursue other avenues to see if the issue was properly handed at the closing. Mayor Wright stated that the attorney who handled the closing for the Library Board did the work pro-bono. Town Manager Salomone suggested that the Library Board and Library Director be invited to a future meeting for discussion. Councilor Bowen stated that the Library Director does not need to be included in the discussion. He stated that the attorney has the responsibility to make sure that any back taxes are cleared up prior to closing. Town Manager Salomone stated that he does not want to disparage the attorney and again suggested that the Library Board Chair and other members of the Board attend a future meeting for discussion and clarification. Mayor Wright acknowledged the concerns of Councilors Bowen and Bottalico, but commented that the Library is a great organization and that Library Board is working towards the best interest of the Town. He stated that there is no ill-will in the issue and that further discussion will be welcome to work out the details.

## **V        CONSIDERATION OF NEW BUSINESS**

### **A        Energy Improvement District**

Mayor Wright invited Joel Rinebold of the Connecticut Center for Advanced Technology to speak to the Council about energy improvement districts.

Mr. Rinebold stated that the Connecticut Center for Advanced Technology is a non-profit organization that works with the General Assembly on the development of Public Act 07242, which includes a provision for the development of energy improvement districts. He explained that energy improvement districts empower municipalities to identify key energy users to combine and consider to potentially develop small distributed generation facilities amongst themselves. He stated that the districts are also advised to strongly consider creating renewable energy facilities. Mr. Rinebold stated that the intent is to allow districts to:

- Improve their environmental footprint
- Reduce energy costs
- Improve energy reliability
- Allow people outside of the district to enjoy a stronger section of the electric grid

Mr. Rinebold stated that the intent is not to have the district function as a utility or to impact the rate base. He stated that it is a win-win situation for everyone as rates are decreased for economic benefit and environmental profiles are improved through use of renewable energy or advanced cleaner technology. He stated that the bill would allow municipalities to take control and provide some guidance for energy management within its town. He stated that private entities can chose to be involved and the town can identify key areas that could bind together to develop these facilities. Mr. Rinebold stated that the Town would have to do the following:

- Create a board
- Create an ordinance that would allow the Town to move forward
- Develop a comprehensive plan to include a screening of the Town

Mr. Rinebold stated that the financing of the equipment would be borne by people within the district and that they would not choose to move forward with the project unless there is a money savings or fulfillment of other objectives involved. He stated that the Town would have input as to where and how these facilities will operate. He stated that the program is voluntary in nature and that the Town would have a substantial role in how the project moves forward.

Mayor Wright asked if there is anything (beyond passing ordinances) that the Town can do to encourage this type of investment by businesses and encourage the use of green energy. Mr. Rinebold replied that several towns are seeking to group together to take a regional approach. He stated that districts are encouraged to invite their utilities in to screen for potential value of the program. Mayor Wright asked whether other towns have taken steps to set up formal tax abatement programs in order to encourage the investment. Mr. Rinebold stated that he is not aware of any such tax abatement programs, but many towns are looking at targeting industrial parks where taxes would be a consideration.

Mayor Wright noted an example fuel cell set-up that would require a roughly one-million dollar investment and inquired about the useful life of such a fuel cell. Mr. Rinebold replied that fuel cells are modeled for not only their useful life but for restacking – replacement of integral parts. He stated that the model of the fuel cell has a life of about ten years, with the break-even point coming prior to the five year mark. He stated the investment includes site prep, engineering, purchase, instillation and restacking. Mayor Wright stated that these types of investments would be large items on the grand list over a period of time and to encourage these types of investments the Town should consider creating some sort of tax abatement formula. He stated that doing so would encourage smart growth and the use of renewable resources in the Town. Mr. Rinebold stated that the program puts the Town in the driver's seat, and that there are potential renewable-energy grant funds that may become available in the future with the addition of the program.

Councilor Banach asked whether a single fuel cell can be utilized for more than one building site. Mr. Rinebold replied that more than one building can be grouped within one fuel cell. He stated that there are often single entities that would not have the load required in order to make a power facility an economic choice, and such entities can often be grouped with a second entity in order to make the technology economically viable. He stated that the idea is to properly combine the entities to achieve a good load profile and economic scale. Councilor Banach asked if there is a savings per kWh as opposed to the power company. Mr. Rinebold replied that the entities involved want to save money on the combination of electricity and thermal energy for heating and cooling. He stated that the cost of electricity and thermal energy combined should be less than they were without the district. He stated that the project would be modeled very carefully prior to proceeding and that possible entities would be prescreened for viability. Councilor Banach asked whether there are any safety risks or downsides to the fuel cell technology. Mr. Rinebold replied that commercial fuel cells are safe, clean and quiet. He stated that a 200 kWh fuel cell would be about the size of a trailer and would emit noise comparable to a central air conditioning system. He stated that financing of the system would be more of a concern than safety of the system.

Town Manager Salomone asked whether the private sector has the ability to pursue the project in its own, and gave an example of Stew Leonard's and the adjacent under-construction Sam's Club. Mr. Rinebold stated that Stew Leonard's can pursue the project on its own, and the EID can help the neighbors of Stew Leonard's also enjoy the same benefits.

Town Manager Salomone stated that it is an exciting concept that warrants further review. He stated that there is no downside other than staff time to look into the concept. He stated that it could be used as a tool for economic development in order to retain businesses or help them grow.

Mayor Wright noted that the first step is to pass an ordinance and asked if such an ordinance opens up the Town to any kind of exposure and also asked whether there is anything that will prevent the Town from undoing the ordinance in the future. Mr. Rinebold replied that the Town should write the ordinance in such a way as to control it and have the ability to reverse it as needed. Mayor Wright asked if there is a benefit to writing the ordinance sooner. Mr. Rinebold replied that the sooner the better, as once the ordinance is passed CCAT will perform, at no charge, a comprehensive screening of the Town for potential areas of development and to resolve any technical issues before getting too far into the process. He again suggested that the Town invite CL&P into the process.

Mayor Wright stated that this ties into the Mid-State Collaborative's goals to have a regional district approach to energy.

## B Voter District Realignment

Town Manager Salomone stated that the proposed realignment would consist of the consolidation of two districts. He stated that applicable ordinances would need to be amended in order to realign the districts. Mayor Wright stated that the concept of voter district realignment goes along with the theme of streamlining, creating efficiency and saving money. He stated that if the realignment does not work it can always be changed again in the future. He stated that the data provided to the Council is from the Registrar and includes data from the last several elections. He stated that the Town currently has seven voting districts for about 17,000 registered voters.

Councilor Bottalico spoke in favor of the redistricting and also stated that if it does not work the Town can go back. Councilor Banach asked for a cost savings dollar amount. Mayor Wright stated that the savings would

be about \$5,000 per election. Councilor Bowen stated that the numbers are not included in the packet. Mayor Wright outlined the cost of workers per district per election:

- District 3, Anna Reynolds - \$2055.00
- District 4, Elizabeth Green - \$2,645.00
- District 7, Martin Kellogg - \$2645.000
- District 1, Town Hall - \$3390.00
- District 2, \$3390.00

Councilor Bowen read the following letter addressed to the Council from Marie M. Fox, Elections Administrator-Registrar of Voters for the Democrats regarding her concerns:

Dear Town Council,

I write to you tonight to ask you to reconsider the proposal to pool the voters at District 3 (Anna Reynolds School) and District 4 (Elizabeth Green School) with those at District 7 (Martin Kellogg Middle School). These two districts get terrific turnout each and every year! Forcing these voters to travel the additional distance to cast their vote would cause a hardship on over 1,000 voters, a large number of which are senior citizens. Disenfranchising even ONE voter is a slap in the face to our forefathers who understood the value of every single vote. We are still sending our men and women into battle in defense of our RIGHT TO VOTE. Evidently, you are not aware that in 2010 we might have no choice but to redistrict again after the census.

For one thing, I feel that you are being penny-wise and pound foolish. Pooling the north end of town to one voting district does not save money. As a matter of fact, it could cost the town money. Currently District 3, Anna Reynolds and District 4, Elizabeth Green and District 7, MKMS each have 11 poll workers for a total of 33. By combining the three districts you would be increasing the total of poll workers in District 7, MKMS to at least 20, eliminating 13 positions for a savings of \$2015. You will be increasing the number of voters by 3,712 in District 7, Martin Kellogg Middle School to 5647 voters, three times the size it is now. You would have to add poll workers in District 7, MKMS by at least 6 poll workers at \$155.00 each, for a total of \$930.00 thus reducing the overall savings to a mere \$1085. The responsibility of adding up all the sheets and making sure that they agree with the count in the tabulators in such a large district could be a deterrent to not only obtaining efficient moderators, but the other poll workers would be subject to the added stress, also.

In the year 2000 redistricting, the traffic in the a.m and p.m for District 3, Anna Reynolds, and District 4, Elizabeth Green School was the major issue. Willard Avenue and Main Street is horrendous at peak hours. You all know that it did not go through then for this very reason, so why are you trying to push it through now? I don't think I have to tell you how much traffic has increased in the past eight years.

Also, they have been walking to the polls, now they will have to drive. Do you think voters will question whether it is worth the time and expense to vote for the right candidate, especially when they are forced to wait in long lines? No, they will say, nonsense, what does one vote mean, anyway? Is this what you want to accomplish? This is a big issue. All of this will discourage voters from voting. Also, will a police officer have to be hired just to control traffic flow to what little parking that is available now, further reducing any savings?

When you combine these districts, Anna Reynolds and Elizabeth Green Schools, you will most likely see an increase of Absentee Ballots; it is cheaper for the voter to spend forty-two cents than to spend their time standing in line. The town clerk will have to incur an expense of \$.84 cents per absentee voter for mailing the application, and the ballot. In addition state statute requires materials to be included with the ballots. For argument sake let's say that all 3,712 voters choose to vote by absentee, that comes to \$2,811.04 not counting the ballot materials. In addition, the cost to notify the 3,712 voters of the change will cost the town \$1560 in postage.

At the Registrar of Voters annual State Convention, the Secretary of State is always impressing on the Registrars to try to make the voting process a pleasant experience. How can this be accomplished when you are squeezing 5,467 voters into one polling place?

In the memorandum prepared by the Town Manager the election expenses should have been broken down by odd and even years. The way it was presented is very deceiving. You always have a greater increase in voter turnout in a Gubernatorial and Presidential Election (even years) 77% than you do in Municipal Elections (odd years) 43%. The memorandum is not an accurate representation of the actual numbers.

I would like to challenge each and every one of you that votes to consolidate these districts tonight to come work at 5:00a.m., November 4, 2008 for the Presidential Election and listen to the complaints owe will be hearing from confused, angry voters.

I appeal to you to give the voters a chance to speak on the issue of redistricting. Voters in Districts 3&4 have not been given proper notification of this ordinance change. Are some of you putting political interest ahead of the best interest of Newington voters?

Respectfully,

Marie M. Fox  
Elections Administrator-Registrar of voters for the Town of Newington

Councilor Bowen stated that Ms. Fox is concerned that she was not consulted on the issue, and that she does have some valid concerns. Councilor Bowen requested to see the costs and savings that will occur with the redistricting. He also expressed concerns with traffic and parking, and expressed concern that there wouldn't be enough space for the additional voting machines at Martin Kellogg. Councilor Bowen stated that redistricting would disenfranchise some voters, and that a \$1000-\$2000 savings would not be worth the loss of even ten voters. He again requested to see a good analysis from the Town Manager regarding the exact cost of the change. Councilor Cohen stated that there is not enough information in regards to current spending and spending if the districts are rearranged. She also expressed concern with district size and uneven distribution of the districts. She also asked for further analysis. Councilor Banach expressed concern that the Martin Kellogg parking lot cannot accommodate the additional voters and expressed concern with increased traffic and traffic safety concerns in that area. He stated that taking away the Elizabeth Green and Anna Reynolds districts will result in removing something intangible from the voters and that the cost saving would not be worth doing so. Councilor Nagel stated that the discussion has been based on assumptions and asked for the facts. Councilor Boni stated that in his experience as a poll worker he has found that it is not uncommon for the poll workers to sit around and wait for people to come in. He stated that the new voting machines are smaller and therefore more can fit at Martin Kellogg. He also stated that it is becoming more difficult to find poll workers. He stated that the current districting is inefficient, and that combining the districts would be more efficient. Councilor Bowen stated that the Council would have to decide how it defines efficiency: spend as little money as possible or get the maximum number of people to show up to vote. He stated that if twenty voters are lost, redistricting would be a bad move. Deputy Mayor Lenares noted that based on the voter turnout information in the packet there will be some additional voters added to District 7, but not too many. He stated that the Council will need to look at whether Martin Kellogg can handle the additional voters and whether the cost savings would be worth losing any votes. He stated that he does not think that the Town will lose votes because of the redistricting. Mayor Wright stated that Anna Reynolds, Elizabeth Green and the Town Hall all have small parking areas. He stated that the idea is to streamline in order to create efficiencies. He stated that there is no perfect solution but this is a good starting point and if it does not work it can always be changed back. Councilor Bottalico stated that the Town should try it and if it does not work it can go back. Councilor Nasinnyk requested additional factual information and also requested the opinion of the Republican Registrar.

#### C Fair Housing Policy

Town Manager Salomone stated that because the Town receives funds through the Small Cities Program it must keep its fair housing policy up to date. He stated that the Councilors have a copy of the draft resolution which could be acted upon at the next meeting. He stated that the resolution is an affirmative statement of fair housing and must be in place to apply for State and Federal funds.

Councilor Cohen asked whether this is something that the Town does every year. Town Manager replied in the affirmative. Councilor Banach inquired about how broadly mental disabilities are defined and asked in regards to incidences of violence, acting out or disturbing the peace if there is any protection for the renter/seller. He stated that it is a very broad range and asked if everybody's rights are protected. Town



Manager Salomone replied that disturbances to the public are dealt with accordingly, but that the point is that a person with a mental handicap can not be restricted or discriminated against. Councilor Bowen noted that everyone who rents property in Town is governed by laws anyway; the resolution is not imposing any additional restraints or regulations that do not already exist. Town Manager Salomone agreed and stated that the resolution is simply a component of the application process. Councilor Bottalico asked whether all of the wording about sexual orientation, etc. must be included, and asked how far the Town is required to go regarding sex offenders, criminals, etc. Town Manager Salomone stated that it is a model resolution, not something that has been drafted by the Town. Councilor Bowen stated that it is not against the law to have a mental or physical disability, but people with disabilities are still subject to the laws and those who break laws will be subject to prosecution just like anyone else. Councilor Nagel stated that the resolution is needed to apply for grants and cautioned the Council not to make more of it than needed.

## **VI RESIGNATIONS AND APPOINTMENTS**

- A Appointment to the Library Board
  - 1 Acknowledge Resignation of Iris Larsson
  - 2 Appoint a Replacement (none)

Councilor Boni moved the following:

### **RESOLVED:**

**That the Newington Town Council hereby accepts the resignations of Iris Larsson from the Library Board in accordance with a communication dated March 4, 2008.**

Motion seconded by Councilor Cohen. Motion passed 9-0.

- B Correct Appointment Term of Kevin Chick to the Greater Hartford Transit District

Councilor Banach moved the following:

### **RESOLVED:**

**That the Newington Town Council hereby amends its Resolution No. 2008-23 by correcting the appointment term of Kevin Chick to the Greater Hartford Transit District to end 6/30/09 rather than 11/30/09.**

Motion seconded by Councilor Boni. Motion passed 9-0.

- C Appointments to Other Boards and Commissions (none)

## **VII TAX REFUNDS**

Councilor Bowen moved the following:

### **RESOLVED:**

**That property tax refunds in the amount of \$1,047.30 are hereby approved in the individual amounts and for those named on the "Requests for Refund of an Overpayment of Taxes," certified by the Revenue Collector, a list of which is attached to this resolution.**

Motion seconded by Councilor Banach. Motion passed 9-0.

## **VIII Minutes of Previous Meetings**

- A Regular Meeting, February 26, 2008

Councilor Nasinnyk moved to accept the minutes of the Regular Meeting, February 26, 2008.

Motion seconded by Councilor Boni. Motion passed 9-0.

B Special Meeting, March 10, 2008

Councilor Nasinnyk moved to accept the minutes of the Special Meeting, March 10, 2008. Motion seconded by Councilor Nagel. Motion passed 9-0.

C Public Hearing, Strawberry Lane Road Acceptance, March 11, 2008

Councilor Bowen moved to accept the minutes of the Public Hearing, Strawberry Lane Road Acceptance, March 11, 2008. Motion seconded by Councilor Boni. Motion passed 9-0.

D Regular Meeting, March 11, 2008

Councilor Nagel moved to accept the minutes of the Regular Meeting, March 11, 2008. Motion seconded by Councilor Nasinnyk. Motion passed 9-0.

E Public Hearing, Town Manager's Proposed Budget, March 17, 2008

Councilor Nasinnyk moved to accept the minutes of the Public Hearing, Town Manager's Proposed Budget, March 17, 2008. Motion seconded by Councilor Bottalico. Motion passed 9-0.

F Special Meeting, March 17, 2008

Councilor Nagel moved to accept the minutes of the Special Meeting, March 17, 2008. Motion seconded by Councilor Nasinnyk. Motion passed 9-0.

G Special Meeting, March 18, 2008

Councilor Nasinnyk moved to accept the minutes of the Special Meeting, March 18, 2008. Motion seconded by Councilor Nagel. Motion passed 9-0.

**IX WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC**

A Town Manager Reports

Town Manager Salomone spoke about an email regarding vandalism in the Welles Drive area and at the senior housing area. He stated that the matter was referred to the NPD, there are some leads and he is hopeful that the perpetrators will be caught. Councilor Bowen stated that he had heard that often times when a vandal is caught nothing happens even if they are convicted, and asked if that is true. Town Manager Salomone explained that the penalties depend on the case and the age of the offenders, and that in several cases there were penalties and full restitution was made. Councilor Bottalico stated that the police do not seem to think that the vandalism is not gang related and asked if the Town Manager agreed. Town Manager Salomone replied that he does not want to comment directly on the police investigation. Councilor Bottalico stated that the graffiti at Badger Field was directed towards the Police Department, and commented that when vandals start to put their signs on the graffiti it is an indication that it is gang related. Mayor Wright suggested that the Chief be invited to the next meeting for discussion about the vandalism concerns. Town Manager Salomone stated that graffiti is a high priority and that it is important to clean any graffiti very rapidly because the more quickly it is cleaned the less likely it is to reoccur.

Councilor Cohen asked who is responsible for graffiti on private homes. Town Manager Salomone replied that unfortunately the homeowners are responsible for damage to their own property. Councilor Banach asked if juvenile offenders go through the Juvenile Review Board or through the courts. Town Manager Salomone replied that it depends on the age of the offender and the severity of the case. Councilor Banach asked who makes the decision to go to Juvenile Review. Town Manager Salomone replied that the Police in conjunction with the Juvenile Review Board make that decision, and that more severe cases would go directly to the courts. Councilor Banach asked if the Review Board makes the decision in the case of vandalism to a private home. Town Manager Salomone stated that he is unsure of the answer but that the Chief could answer those questions. Councilor Bowen asked if Ken Freidenberg is involved with the process. Town Manager Salomone replied that he is involved when the Juvenile Review Board is involved. Councilor Bowen stated that the Human Services department may be able to see a pattern of behavior that

the Police Department cannot identify due to different areas of expertise. Town Manager Salomone stated that it is a frustrating area.

Councilor Bottalico remarked that police overtime was not too bad this month.

#### **X COUNCIL LIAISON/COMMITTEE REPORTS**

Councilor Boni stated that he has been attending TPZ meetings and reported on the following:

- Tim Horton's will be coming to Town, next to Wendy's
- The work on Fenn Road is moving forward, but there have been some concerns about the architecture of the hotel.

Councilor Bottalico remarked about a recent fight/police response at Clem Lemiere Park. He stated that the offenders were not Newington residents and the officer suggested that the Town put up a sign that stating that only Newington residents are allowed to use the park. Councilor Bottalico stated that he explained that it could not be done because the State gives the property. He stated that he hopes the park moves soon.

#### **XI PUBLIC PARTICIPATION – IN GENERAL**

Bob Tofeldt, 15 7<sup>th</sup> Street: Mr. Tofeldt stated that he is a member of the Board of Parks and Recreation and stated that they had met about the graffiti. He stated that he was informed of a recent vandalism incident in which youth were caught and the parents cleaned up and painted over the graffiti. He asked if this was true, and if so stated concern that the parents were doing all of the work while the kids did absolutely nothing and did not learn their lesson. He stated that the kids should have been made to clean the graffiti and stated that there was no follow up by the Town or the Police. Town Manager Salomone stated that he does not know the details of that particular case. Councilor Bowen asked what buildings were involved in the incident. Mr. Tofeldt replied that he does not know specifically what buildings were involved, but there were about 10-12 businesses mentioned in the discussion. Mayor Wright requested that the Town Manager look into the situation in preparation for a discussion with the Chief at a future meeting.

#### **XII REMARKS BY COUNCILORS (none)**

#### **XIII EXECUTIVE SESSION RE: PERSONNEL, PENDING LITIGATION**

Councilor Bowen moved to go into Executive Session at 8:52pm. Motion seconded by Councilor Boni. Motion passed 9-0.

Mayor Wright, all Councilors and Town Manager Salomone present at the Executive Session.

Councilor Bowen moved to adjourn from Executive Session at 9:15pm. Motion seconded by Councilor Nagel. Motion passed 9-0.

#### **XIV ADJOURNMENT**

Councilor Bottalico moved to adjourn the meeting at 9:16pm. Motion seconded by Councilor Cohen. Motion passed 9-0.

Respectfully Submitted,

Mrs. Jaime Trevethan  
Clerk of the Council